

giving parents greater involvement in how their children are educated. I also hope that it will help identify children early—as infants and toddlers—so that they can receive the services they need before it is necessary for them to enter a special education classroom.

One notable provision that the Senate attached to this bill on the floor this week is a mechanism to guide Congress toward meeting its commitment to provide States with 40 percent of the excess costs associated with educating students with special needs.

Although the original special education law, which was passed in 1975, gave States assurances that the Federal Government would reimburse States for the cost of educating special education students, Congress has never come close to meeting its goal.

Today, for instance, States are receiving about 19 percent or \$10 billion in Federal funding to be used for educating special needs children. And while Congress has worked hard over the last 7 years to make greater investments in special education, States continue to struggle to educate special needs students because of how costly it is to teach them.

The amendment offered by Senator GREGG and supported by myself and 95 other Senators sets up a timeline by which Congress will move toward its goal of funding 40 percent of the cost of special education. Every year, from now until 2011, Congress can use its discretion to appropriate up to \$2 billion each year for special education.

This new funding mechanism will mean States could see their Federal share of special education funds double over the course of the next 6 years.

In California, where State schools educate 11 percent—or roughly 675,000 students—of the Nation's special education K through 12 population, school districts will receive \$1.7 billion in Federal dollars this year. In spite of the large amount of funding the State receives, I am told that they have been forced to transfer billions of dollars annually from general education to special education due to Congress' failure to keep its promise to fully fund special education.

An increase in the Federal funding commitment will mean that California could receive up to \$2.7 billion a year in special education funding by 2011 and will no longer have to shuffle money from their general education budgets to underwrite the cost of educating special needs students.

So this funding promise will make a huge difference to States and school districts and one that I was happy to support. Schools will now have predictable special education funding that they can count on when balancing their budgets and planning for future years.

I also urge the Senate's support, in conference, of a provision adopted by the House which would require that increases in Federal funding above fiscal year 2003 levels be directly allocated to

the local level. This would ensure that all IDEA funding gets down to our school districts that are responsible for providing quality education to children with disabilities.

In California, this provision is critical in meeting the Federal responsibilities to assist all students with disabilities, including the thousands of students with physical and mental disabilities served by the State's large county education offices, such as Los Angeles, San Francisco, and San Diego, that are tasked with educating the State's vast majority of special needs children.

So I am satisfied that this bill will meet the needs of both school districts and parents. I hope it will help give students the tools they need to become productive citizens, teachers more flexibility to do their jobs, parents greater ability to work with schools to ensure that their children are getting the services to which they are entitled, and States the funding and oversight necessary to make sure that education for disabled students is as seamless as for nondisabled students. I am pleased to support it.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

ORDER OF BUSINESS

Mr. REID. Mr. President, while the distinguished majority whip is on the floor, Senator BINGAMAN has been working for more than a year on a medal that would go to those military men and women who participated in Afghanistan and Iraq. That matter has passed the House of Representatives without a single dissenting vote. Senator BINGAMAN has informed me he has spoken to Senator WARNER, and Senator WARNER believes this matter should come up at the earliest possible date.

In short, we hope we can get to this important piece of legislation today. We could do it very quickly. There would be very short speeches. I bet we could do it in an hour evenly divided. There would be no one against it, but both sides could speak in favor of this legislation. It would pass without a dissenting vote.

I think it would send a tremendous message to the fighting men and women in Afghanistan and Iraq that they would receive a medal for their participation in those conflicts in those two countries.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I respond by saying we are working that

issue on this side of the aisle and hope to have a response to the Senator's request shortly.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

50-YEAR ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

Mr. SPECTER. Madam President, I have sought recognition to comment on two subjects this afternoon. First, this is the 50-year anniversary of the historic decision in *Brown v. Board of Education* where the Supreme Court of the United States ruled that separate but equal education facilities violated the U.S. Constitution and ordered the integration of schools in the United States.

That is historic because for the first time it gave real meaning to equality and the equal protection of the law clause of the 14th amendment.

Prior to *Brown v. Board of Education*, segregation had been the rule of the day. The 14th amendment, incorporating the equal protection clause and due process of law, was enacted in 1868. At that time, the galleries of the Senate were segregated, and the manager of the 14th amendment in the House of Representatives, in commenting about what equal protection meant, did not mean that the races would share accommodations together. Then in the celebrated case of *Plessy v. Ferguson* decided by the Supreme Court of the United States in 1896, an 8-to-1 decision, the Supreme Court decided that the equal protection clause was satisfied if the facilities were equal even though they were separate. That remained the law of the land for the next 58 years until 1954 with *Brown v. Board of Education*.

The decisions in this field are the best examples of the vitality of the U.S. Constitution and the way the Constitution reflects the fundamental values of a society, which have changed in the course of time. Justice Cardozo, in the celebrated case of *Palko v. Connecticut*, articulated the changing constitutional doctrine when he talked about the fundamental values of our society.

There are still some who contend that original intent is the only way to interpret the U.S. Constitution. In the first place, it is very hard to divine what the intent was of the Founding Fathers in 1787 when the Constitution was signed, even more difficult to figure out the intent of the ratifiers of the U.S. Constitution; and then when there is the equal protection clause, there is no doubt that the intent of